



DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON DC 20310-0104



September 9, 2005

MEMORANDUM FOR ARMY ETHICS COUNSELORS

SUBJECT: Approval for Co-Sponsorship and Partnering Relations with Non-Federal Entities

The *Joint Ethics Regulation (JER)*, DoD 5500.7-R, paragraph 3-206, permits co-sponsorship of or partnering for events, such as conferences, seminars, and similar events, with non-Federal Entities under certain circumstances. One of these circumstances requires that the "non-Federal entity is a recognized scientific, technical, or professional organization approved by the DoD Component Designated Agency Ethics Official (DAEO) for this purpose" (*JER* paragraph 3-206b(3)).

On December 9, 1993, the Army DAEO issued a memorandum "Organizations Approved by Designated Agency Ethics Official" approving co-sponsorship for all organizations exempt from Federal income tax under 26 U.S.C. §501(c)(3). Subsequent approvals have been given to the foreign, state, and local governments, Armed Forces Communications and Electronic Association, International (AFCEA), National Security Industrial Association (NSIA), and Army Aviation Association of America (AAAA). As a result, significant abuses of this authority have occurred. In recent years, co-sponsorship agreements or partnering arrangements have been structured in ways to violate the clear mandates of the *Standards of Ethical Conduct for Employees of the Executive Branch* and the *JER*, as well as fiscal constraints mandated by statute and regulation. Thus, the memorandum "Organizations Approved by Designated Agency Ethics Official" dated December 9, 1993 is hereby rescinded, as well as previous approvals for the above-named organizations.

If any Army command or organization wishes to co-sponsor an event or partner with a non-Federal entity to sponsor an event, that Army command or organization Ethics Counselor must forward a request for DAEO approval through ethics counselors channels, with appropriate endorsements to the Deputy General Counsel (Ethics & Fiscal), 104 Army Pentagon, Washington, DC 20310. The request must include a description of the non-Federal organization and the rationale why it should be approved for purposes of the *JER*, paragraph 3-206b(3). Enclosed is a sample format for co-sponsorship or partnering agreements, which includes required provisions.

Organizations that merely perform conference planning or organizations that seek commercial sponsors or include vendor exhibitions to raise funds for the event or for fundraising activities as part of the event will be disapproved. The JER, paragraph 3-206c, provides guidance on appropriate conference planning activities.

A handwritten signature in black ink that reads "Matt Reres". The signature is stylized with a large, bold "M" and a cursive "Reres".

Matt Reres
Deputy General Counsel
(Ethics & Fiscal)

Enclosure

Required Provisions for Co-Sponsorship Agreements

1. **Purpose.** The [Army Organization] proposes to co-sponsor a conference with [name of co-sponsor organization]. The purpose of the conference is [state purpose]. The proposed conference will [transfer Federally developed technology] [and] [or] [stimulate wider interest and inquiry into the scientific, technical or professional issues].¹ This interest is vital to Army interests because [state reasons why it is necessary to enter a co-sponsorship agreement with this particular organization to foster the stated purpose].

2. **Co-Sponsor.** [Name of co-sponsor] should be approved for co-sponsorship under the provisions of the Joint Ethics Regulation (JER), 3-206b(2) because [name of co-sponsor organization] is a [scientific], [technical], [and] [or] professional organization. Provide specific details regarding the organization demonstrating that it is a scientific, technical, or professional organization, with which the Army organization should sponsor a conference].

3. **Responsibilities.** To foster the purposes of this agreement: the following delineates the responsibilities of the respective parties:

a. Proposed agenda is provided: [Provide details regarding the conference. Proposed subjects for discussion, number of days, and other events proposed in conjunction with the conference.]²

b. [Army Organization's] Responsibilities³:

c. [Co-Sponsor's] Responsibilities⁴:

4. Funding.

a. The [Army Organization's] financial responsibility [is limited to dollar amount] [or] [includes the following: list financial support]. Appropriate Army contracting

¹ Select the appropriate purpose(s).

² Since the purpose of the conference is to transfer Federally developed technology or to stimulate wider interest and inquiry into the scientific, technical or professional issues, the agenda is to be developed jointly by both the Army organization and the co-sponsor.

³ Detail Army organization's responsibilities. List any facilities, equipment, or personnel to be provided in support of the conference.

⁴ Detail Co-Sponsor's responsibilities. List any facilities, equipment, or personnel to be provided in support of the conference.

procedures will be followed. At any time until actual payment of the sum, [Army organization] may withdraw or reduce the amount of support without incurring any liability. [Name of co-sponsor] assumes no additional liability, however, in the event the Army reduces its support. Accordingly, [name of co-sponsor] may withdraw from the co-sponsor agreement.

b. [Co-Sponsor's] financial responsibility [is limited to dollar amount] [or] [includes the following: list financial support].

c. The amount of the registration/conference fee is estimated to be [dollar amount]. The fee will only cover the reasonable and legitimate costs of sponsoring the conference. The conference must never be a fund-raiser for [name of co-sponsor]. No third party arrangements have been entered into by [name of co-sponsor], [except those that foster the purpose of the conference]. Any fee required to be paid by third parties will cover only the reasonable and legitimate costs of participation in the conference. [Include list of any third party agreements]

5. Endorsement. [Name of co-sponsor] will never use the event to imply Department of Defense or Department of the Army endorsement of [name of co-sponsor] or any other non-Federal entity participating in the event. The following disclaimer must be included in any promotional material:

Disclaimer: Advertisements, promotions, statements and logos are those of [co-sponsor] or other organizations participating in this event. The United States Army neither states nor implies any endorsement, association or recommendation with regard to these organizations.

6. Attendance. The conference will be open to all interested parties and efforts will be made to obtain wide attendance.⁵

7. Alternate Designated Agency Ethics Official (ADAE) Approval. In accordance with JER 3-206, co-sponsorship is prohibited unless all conditions in JER 3-206 are met. One of those conditions is that the Alternate DAEO, or his designee, has determined that the co-sponsor is a recognized scientific,

⁵ If attendance is to be limited to all or portions of the event, this paragraph must state that attendance is limited and to whom it is limited. Additionally, the reasons for limiting attendance must be included.

technical, educational, or professional organization, giving due consideration to the prohibition against giving preferential treatment to a non-Federal entity (see 5 C.F.R. 2635.101(b)(8) and JER, subsection 2-100). Accordingly, this MOA is ineffective, and the co-sponsorship is invalid, unless and until the MOA has been approved and signed by Mr. Matt Reres, the ADAEO. His signature block must be included in the MOA with an "approve/disapprove" line above it." ⁶

⁶ Include the following signature block to the agreement:

Approve/Disapprove: _____

Matt Reres
Deputy General Counsel
(Ethics & Fiscal)

Date: _____